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9 Attorneys for Plaintiffs
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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 PARALYZED VETERANS OF AMERICA,
15 *et al.*,

16 Plaintiffs,

17 vs.

18 BRUCE MCPHERSON, as Secretary of State for
the State of California, *et al.*,

19 Defendants.
20

) Case No. C 06 4670 SBA
)

) The Honorable Sandra B. Armstrong
)

) **STIPULATION AND [PROPOSED] ORDER**
) **DISMISSING, WITHOUT PREJUDICE,**
) **PLAINTIFF CALIFORNIA COUNCIL OF**
) **THE BLIND INC.'S CLAIMS AGAINST**
) **DEFENDANT DAVE MACDONALD**
)
)
)

1 WHEREAS, Plaintiff California Council of the Blind, Inc. ("CCB") objected, on First
2 Amendment grounds, to certain Federal Rule of Civil Procedure 30(b)(6) deposition topics noticed by
3 Defendant Dave Macdonald.

4 WHEREAS, Defendant Dave Macdonald filed a Motion to Compel CCB to reveal the names of
5 its members.

6 WHEREAS, the Court issued an order referring this discovery dispute concerning the
7 deposition of CCB's Federal Rule of Civil Procedure 30(b)(6) witness to a magistrate judge.

8 WHEREAS, Plaintiff CCB filed an opposition to Defendant Dave Macdonald's Motion to
9 Compel CCB to reveal the names of its members.

10 WHEREAS, Chief Magistrate Judge James Larson granted Defendant Dave Macdonald's
11 Motion to Compel Compliance with Discovery Obligations.

12 WHEREAS, Plaintiff CCB does not want to disclose the names of its members, for all of the
13 reasons articulated in its opposition to Defendant Dave Macdonald's Motion to Compel.

14 WHEREAS, Plaintiff CCB thus voluntarily dismisses its claims against Defendant Dave
15 Macdonald but reserves its rights to pursue its claims against Defendant Secretary Bruce McPherson.

16 WHEREAS, Defendant Dave Macdonald has no objection to this dismissal.

17 THEREFORE, IT IS HEREBY STIPULATED and agreed by and between the parties'
18 attorneys of record as follows:

19 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), all of Plaintiff CCB's claims against
20 Defendant Dave Macdonald shall be dismissed without prejudice.

21
22 Dated: October 5, 2007

Respectfully submitted,

23
24 By: /s/ John E. McDermott
25 John E. McDermott
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27 550 South Hope Street, Suite 1100
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Attorneys for Plaintiffs

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2
3 Dated: October 5, 2007

By: /s/ Raymond Lara
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7 Attorneys for Defendant Dave Macdonald, Registrar of
8 Voters for the County of Alameda
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10 Dated: October 5 2007

By: /s/ Douglas J. Woods
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15 Attorneys for Defendant Bruce McPherson as Secretary
16 of State

17 Dated: October 5, 2007

By: /s/ Wayne Snodgrass
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1 Dated: October 5, 2007

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Attorneys for Defendant Michael Smith as Registrar of
Voters of Marin County

ORDER

IT IS SO ORDERED.

12 Dated: 10/10/, 2007


SAUNDRA BROWN ARMSTRONG
United States District Judge